

Remarks

By the foregoing Amendment, claims 1, 25 & 32 are amended, claims 15-24 & 27-31 are cancelled, and new claims 34-48 are presented. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

The Examiner has required updating of the application referenced in paragraph 0005 of the specification. Accordingly, this paragraph has been amended.

The Examiner has objected to the specification as failing to provide antecedent basis for first and second punches having rounded edges. Accordingly, paragraph 0033 has been amended. Support for this amendment is found in original claim 2 and Figure 5.

The Examiner has objected to an informality in claim 1. Accordingly, claim 1 has been amended to correct this typographical error.

Independent Claims 1, 25, and 34

The Examiner has rejected claims 1 and 25 under 35 U.S.C. §102(b) as anticipated by Farrell, U.S. Patent No. 3,928,522. Applicant respectfully requests reconsideration of this rejection in light of the remarks and amendment discussed below.

Additionally, new independent claim 34 (and dependent claims 35-48) has been presented. Applicant respectfully submits that claim 34 is likewise patentable over Farrell for the reasons discussed below.

Original Independent Claim 1

Applicant submits that Farrell does not anticipate claim 1 because all of the elements in claim 1 are not shown in this reference. Specifically, Farrell does not disclose first and second punches where “said first punch is located adjacent said second punch such that, when said first and second punches are in a second position, at least part of each of said punches is extended past the wall of the blow molded container and inside the reservoir cavity...”.

Instead, Farrell’s plunger (40) and support (44) identified in the Office Action approach each other from opposite sides of the parison in order to collapse the portion of the molten parison that is between them—namely, the center of the handle portion 38

(see Col. 3, lines 55-61). The plunger (40) and support (44) then both move downwards in order to shear this collapsed, melded material into the discharge outlet (54). (see Col. 3, ln.62 – Col.4, ln.15).

For this reason, the device described in Farrell does not satisfy the limitations recited in claim 1. First, the second punch identified in the Office Action, support (44), does not have a position where it is extended past the wall of the blow molded container. Second, neither punch extends inside the identified reservoir cavity (36).

Additionally, Applicant respectfully submits that the invention recited in claim 1 would not be obvious over Farrell, for several reasons. First, there is no suggestion or motivation for one skilled in the art to make the relevant modification necessary in order to arrived at the claimed invention. See MPEP 2143.01; *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990) (fact that prior art “may be capable of being modified to run the way the apparatus is claimed, there must be some suggestion or motivation in the reference to do so.”). Unlike the present invention, which aims to solve the difficulty inherent in creating a fill hole underneath a handle that is located above the fill hole (see paragraph 0005), Farrell’s plunger and support (40, 44) are aimed at creating the handle, which they achieve by collapsing and then shearing the plastic in the center of the handle portion (38), as described above. Accordingly, there would be no motivation to alter the design of Farrell to provide a pair of adjacent punches that extend into the reservoir cavity to form a hole, as in the present invention.

Additionally, applicant further notes that, even if the device of Farrell where altered such that the punches approach the reservoir cavity, one would still not arrive at the presently claimed invention, as the “gaps” identified in the Office Action are guideways (42, 42a), and the plunger and support (40, 44) move through these guideways towards each other in order to collapse the plastic between them and then both move in one direction to shear the plastic (i.e., create the hole). Accordingly, one of the plunger or support (40, 44) would still not extend past the wall of the blow molded container and into the reservoir cavity. (obviously, it is hard to imagine why one would make such a modification anyway, as it is unclear what kind of “reservoir” would result).

Finally, Applicant notes that changing the fundamental design of Farrell in order to provide two punches that are adjacent each other such that they collectively create a hole in the wall of the reservoir portion of a container would be contrary to the very objective of Farrell. Unlike the present invention, which aims to poke a hole through a fully formed wall of a portion of the blow-molded container, the system in Farrell actually seeks to *create* part of a wall (i.e., the inner wall of the handle) by first compressing the walls of the molten parison between the plunger and support prior to shearing the plastic. (see Col.1, Ins. 7-29). Accordingly, changing the design to produce a punching mechanism like the presently claimed invention would undermine the very purpose of the Farrell device, and therefore, Applicant respectfully notes that an obviousness rejection on this basis would be improper. See MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 U.S...PQ2d 1125 (Fed. Cir. 1984).

Amended Independent Claim 25

Applicant notes that independent claim 25 improperly recited extending the punches into “the reservoir container”, for which there was no antecedent basis. Accordingly, claim 25 has been amended to correct this error. Amended claim 25 recites that the blow molded container has a reservoir portion (and a handle portion), and that the first and second punches are extended through the wall of the blow molded container into the reservoir portion.

For the reasons noted above with respect to claim 1, Farrell does not anticipate independent claim 25 because it does not disclose or suggest “extending at least part of adjacent first and second punches... through the wall of the blow molded container and into the reservoir portion...”

New Independent Claim 34

Applicant also presents new independent claim 34, support for which is found in Paragraphs 0032-33 of the specification. Applicant respectfully submits that Claim 34 even further clarifies the distinctions between the present invention and the Farrell reference. Specifically, independent claim 34 recites that the mold portions at least partly “enclose a reservoir cavity having a surface against which a wall of the blow-molded container is blown”, and further recites that the first/second mold portion have

“first and second gaps therein that, when said first and second mold portions are located adjacent each other, form a hole *in the reservoir cavity surface...*” For the reasons explained above, Farrell provides no disclosure or suggestion of adjacent punch gaps that form a hole in the surface of the reservoir cavity.

Similarly, new dependent claim 35, support for which is found in Paragraph 0034 and Figures 4 & 6, further recites that “the hole in the reservoir cavity surface formed by the first and second gaps is substantially perpendicular to a vertical plane of the handle cavity.” New dependent claims 36-48 correspond to the features recited in original claims 2-14.

Independent Claim 32

The Examiner has rejected independent claim 32 under 35 U.S.C. 35 U.S.C. §103 as obvious over Farrell, at the time of the invention in view of Tisbo, U.S. Patent No. 4,030,664. Accordingly, claim 32 has been amended.

The combination of Farrell and Tisbo does not render obvious claim 32 because, even if these references are combined, one would still not arrive at the invention recited in claim 32, as amended. This is because, even if one uses the mold of Farrell to create a blow molded watering can as disclosed in Tisbo, the mold of Farrell does not teach or suggest “punching a hole in the watering can substantially perpendicular to a plane

defined by the seam" along which the mold is closed, for the reasons previously discussed." To the contrary, Farrell teaches a device that punches a hole that is parallel to the plane defined by the mold seam, as the purpose of the Farrell device is to create a handle by compressing and shearing the molten plastic in the center of the handle portion.

For the foregoing reasons, it is respectfully submitted that claims 1-14, 25-26 & 32-48, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

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